

# Planning & Zoning Minutes

March 19, 2009

12 North Center  
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020  
Fax: 208.359.3022



CITY OF  
**REXBURG**  
America's Family Community

## Commissioners Attending:

Winston Dyer – Chairman  
Thaine Robinson      Dan Hanna  
Randall Porter      Nephi Allen  
Richie Webb      Mary Ann Mounts  
Gil Shirley

## City Staff and Others:

Gary Leikness – P&Z Administrator  
Val Christensen – Building Official  
Craig Rindlisbacher – GIS Coordinator  
Natalie Powell – Compliance Officer  
Elaine McFerrin - Secretary

**Chairman Dyer** opened the meeting at 7: 03 pm.

## **Roll Call of Planning and Zoning Commissioners:**

Gil Shirley, Dan Hanna, Thaine Robinson, Winston Dyer, Randall Porter, Nephi Allen

**Ted Hill, Charles Andersen, and Josh Garner** were excused.

## Minutes:

1. Planning and Zoning meeting – March 5, 2009

### ***Corrections:***

Page 17 – **Randall Porter** asked for clarification under Richard Smith's comment- Clarify the comment to read: "... the University will not approve any *newly* converted single family dwellings. With any currently existing converted single family dwellings, the university will not allow any increase in density – across the board (*anywhere in Rexburg*)."

**Thaine Robinson** motioned to approve the Planning & Zoning minutes for March 5, 2009, as amended. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

## Public Hearings:

Conditional Use Permit – West 2nd South and S. 3<sup>rd</sup> East - Kerry Schneider

**Randall Porter** motioned to pick the Kerry Schneider Conditional Use Permit application up off the table. **Dan Hanna** seconded the motion

None opposed. **Motion carried**

**Chairman Dyer** briefly explained the procedure followed for a public hearing.

Kurt Roland, Schiess & Associates, 859 South Yellowstone Hwy Suite 2503, representing the applicant Kerry Schneider, presented the proposal. They have submitted their site plan, which was necessary for the application for a conditional use permit to proceed. Their rezone request was approved by City Council last night. They are requesting to have two new 12-plexes and 1 6-plex on the property. There are 2 existing buildings onsite - a 4-plex on the north, and an 8-plex that will be remodeled into a 6-plex. There will be a total of 40 units. There are a total of 93 parking spaces (parking and snow storage combined). Mr. Schneider is considering whether he should remodel the existing buildings or knock them down. There are three accesses into the property with one easement on the west. They have met with the Fire Department regarding the site plan; they have not determined the location for a needed hydrant. Mr. Roland said the engineering on the project is very preliminary at this time. They feel the site plan lays out the buildings in the best way possible without losing any units. A landscape plan and a lighting plan have not been put together. Landscaping, including snow storage, will be at 25%.

**Chairman Dyer** asked Gary Leikness if he had any information to help clarify the proposal for the Commissioners.

**Gary Leikness** said last night's rezone approval for the applicant paves the way for this conditional use permit request. The Commissioners have been given his proposed conditions of approval for this proposal.

**Chairman Dyer** asked Gary Leikness to explain proposed conditions #6 and #14.

Gary Leikness stated that the #6 recommended condition would be to make the project fit better – it states parking should be in the rear of the proposed 6-plex building in order to be more compatible with surrounding residential uses. This proposed condition is contrary to the site plan. Proposed condition #14 addresses providing bicycle parking. It is based on units rather than number of students.

**Mary Ann Mounts** arrived at 7:22 pm.

**Dan Hanna** commented that with the requirement for parking being 80 spaces, the applicant is providing 93, so they exceed the requirement.

**Gil Shirley** asked where sheltered bicycle parking and dumpsters are planned.

Gary Leikness said sheltered bicycle parking could be integrated into the actual structure of the building. The location of dumpsters was not shown, but the location would be determined before a building permit can be issued. The applicant and John Millar would work out the number and size of dumpsters that will be needed.

Mr. Leikness said the Commission needs to look at what impacts a building greater than a 6-plex building might have in the area. Design standards would be applied at the time a building permit is pursued. The Commission could address in their motion if the building design should be similar to the photos the applicant submitted.

**Chairman Dyer** said the question before the Commission is, shall this plan be permitted as a conditional use in this zone and in this neighborhood, and if so with what conditions? He opened the public input portion of the hearing.

**In Favor:**

Kerry Schneider, 8770 North Hwy 89, Ogden, Utah. He is the owner of the property, and he is trying to clean up that property. The first step was the rezone of the property which was approved. He thought that this conditional use permit was for permission to build a building larger than a 4-plex with up to a 24-unit building in this zone. He was under the impression that design standards and other issues would be addressed during the permit process. Mr. Schneider would like clarification, although he has no problem with the requirements - he wants to have a really clean, nice project that draws people to it He wanted to point out that the easement mentioned earlier is a dedicated easement – with flow in one place and out another. Mr. Schneider stated that a remodeled 6 plex may not materialize – he may do a lot split; or the existing house may be sold. That lot is narrow and deep, which is why the site plan is as shown.

**Neutral:** None

**Opposed:** None

**Written Input:** None

**Chairman Dyer** closed the public input portion of the hearing and asked for Gary Leikness' input.

Gary Leikness stated he would like to add a 19<sup>th</sup> condition to his proposed conditions of approval - that this conditional use permit shall expire in 1 year if a building permit has not been applied for, because the City is exploring changes to this zone.

**Dan Hanna** asked for zone clarification regarding this proposal.

Gary Leikness stated the main difference, as the language in the Development Code 926 is written right now, between Medium Density Residential 1(MDR1) and Medium Density Residential 2 (MDR2) is:

- MDR 1 – 16 units per acre
- MDR2 - 24 units per acre

The City is bound by those numbers until the ordinance is revised.  
Acreage of this project is 1.67 acres (total area of the parcel)

Gary Leikness stated that the permitted uses in MDR2 are for up to a 4- plex. A conditional use permit is needed for 5 and 6 plexes; the language used is interpreted to mean that anything beyond that figure would also call for a conditional use permit.

Gary Leikness recommended that the Commission include in their motion that an additional density calculation be performed by staff prior to issuance of a building permit.

**Chairman Dyer** recused himself due to conflict of interest.

**Thaine Robinson** acted as chairman, and the Commissioners deliberated the proposal

**Thaine Robinson** stated that this property is odd shaped; he likes the idea of infilling within the city without going out too far. The planned design is attractive. His only concern is with people having to cross 2<sup>nd</sup> West, as the location is only 2 blocks from campus.

**Dan Hanna** commented that there is a traffic light that will aid in crossing 2<sup>nd</sup> West.

**Nephi Allen** agreed that the traffic light will help

**Randall Porter** agreed with **Thaine Robinson**, in that this proposal is a good infill project.

**Dan Hanna** motioned to recommend approval to City Council for a Conditional Use Permit for Kerry Schneider for the stated properties at West 2<sup>nd</sup> South and South 3<sup>rd</sup> East, to include a total of twenty-one (21) proposed conditions of approval by planning staff that includes three conditions that were added at this meeting (#19. =conditional use permit shall expire after one year if building permit has not been applied for, # 20= additional density calculation will be completed by staff prior to issuance of a building permit, #21= design of proposed buildings shall reflect the Utah location photos that were submitted as part of the application) and all other staff review comments.

**Randall Porter** seconded the motion.

None opposed. **Motion carried.**

***Kerry Schneider – Conditional Use Permit  
W 2<sup>nd</sup> South and S 3<sup>rd</sup> East  
#09 00035  
Proposed Conditions of Approval***

- 1. No issuance of a Conditional Use Permit can occur until all site plan issues are resolved and approved through administrative review which shall take place at the time the applicant applies for a change of use with the Community Development Department.*
- 2. Submitted site shall be substantially complied with, however final site plan shall incorporate all City design requirements, e.g. parking disallowed in required front yard, etc.*
- 3. All parking lot requirements shall be depicted on the revised site plan, including proper aisle widths, grades, parking stall sizes, number of spaces, etc.*
- 4. Trash dumpsters/receptacles shall be located within the interior (behind front building line) of the lot and shall be enclosed with materials that are consistent with those materials used in the building that they are adjacent to, e.g. brick, wood, etc.*
- 5. Lighting shall be reviewed. All lighting shall be applicable lighting standards, including full cut-off fixtures and lower wattage light sources, i.e. 60 watt. Violating lights on site shall be replaced prior to issuance of a certificate of occupancy.*
- 6. Proposed 6-plex shall provide all parking in the rear of the building in order to be more compatible with surrounding residential uses.*

7. *A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, etc. shall be submitted and approved by the City prior to the issuance of a building permit.*
8. *A landscape plan shall be submitted when an application is submitted for a change of use, or building permit. Landscaping shall be required to be implemented prior to the issuance of a full certificate of occupancy. The site shall include 30% landscaping (per ordinance 926), this percentage shall be shown on the approvable landscape plan.*
9. *Parking areas shall be adequately screened from the public right-of-way and adjacent residential properties. Screening must include the use of deciduous trees and evergreen trees to ensure non-seasonal screening. Deciduous trees shall be planted with a minimum size of 2-inch caliper DBH. Evergreen trees shall be 7-feet tall at planting. Shrubs shall include 5-gallon containers as a minimum. Ground cover shall include a minimum of 50% living material, i.e. grasses, shrubs, etc, other ground cover can be non-living material, e.g. rocks, bark chips, etc.*
10. *Proposed project entrances shall be enhanced through landscaping. This requirement shall include all mechanical equipment installed as part of the development to be adequately screened from the ROW and from adjacent property.*
11. *Lighting shall be low (under 15-feet in height) and not create glare, and as a minimum shall adhere to the City's lighting ordinance. Any proposed lighting would need to be submitted to the City for review and approval subject to the submittal and approval criteria found in the development code.*
12. *All exterior sidewalks adjacent to the must be installed or repaired (to City standards) prior to the occupancy of the proposed structure*
13. *All sidewalks both exterior and interior should be interconnected and should connect to the main entrances of the unit*
14. *To encourage alternative travel options, which are likely to decrease vehicular trip generation, bicycle parking shall be provided, both long term (several hour stay, weather protected) and short term (visitors- two hours or less). As a minimum long-term parking spaces (sheltered) shall be provided at a ratio of 1 space per 5 units and short-term parking at a ratio of 1 space per 4 units. For this development (only including proposed buildings for this condition) this would require 6 long-term spaces and 7 short-term spaces.*
15. *Sheltered bicycle parking, like the screening of trash dumpsters shall be constructed of high quality building materials that are consistent with the main building. Sheltered parking shall not be located within the required front yard. A hard surface path shall be provided from the City right-of-way to sheltered parking and then to the main entrance of main structure.*
16. *Applicant shall provide all required vehicle and bicycle parking spaces and outside of the required front yard setback.*
17. *All other provisions and City codes regulating conditional use permits shall be adhered to.*
18. *Signage shall be designed in a monument style though the use of brick or decorative masonry base and wood material to compliment the surrounding neighborhood and suggest permanence which is consistent with an established neighborhood.*

19. *This conditional use permit shall expire in one year if a building permit has not been applied for.*
20. *An additional density calculation shall be completed by staff prior to the issuance of a building permit.*
21. *The design of the proposed buildings shall reflect the design pictured in the Utah location photos that were submitted as part of this application for a conditional use permit.*

**Unfinished/Old Business:** None

**New Business:**

1. Final Master Plan/Final Plat for Phase 1 – Summerfield PUD

Dan Larsen, 231 S. 300 E Hyrum, Utah, B&K and Ball Ventures, presented the proposal. The site was shown on the overhead screen; he pointed out where monuments will be at both entryways. He also outlined the property of the project and briefly explained it. It is located north of 7<sup>th</sup> South and bordered on the east by 12<sup>th</sup> West. It is across the street from the Willowbrook subdivision. He pointed out the boundaries of Phase 1A of the project, the first construction phase. There was some discussion about street name confusion.

Mr. Larsen proceeded to go through the proposed conditions of approval listed in the planning staff report. Regarding # 5 of the proposed conditions, the density was no problem on the preliminary plat. Regarding # 7 and the question of stub outs, they have included what was advised and added an additional stub out. Regarding # 8, lighting will be worked out with the City Engineer. Regarding #10, the irrigation system details, consultation with the City Engineer will also take place.

Per Troy Kartchner (in the audience – owner of the property), the development will irrigate off of City water.

He stated they want to keep their 5- foot side yard setbacks.

The applicants will work with the Madison School District and the City to provide safe routes to the new elementary school and the new high school.

**Chairman Dyer** expressed that fencing off the ditches in the area should be done.

Troy Kartchner, 601 W. 1700 South, Logan Utah, addressed the Commission. They have the 3 stub outs agreed upon for the preliminary plat, plus they added a fourth one. They did what was recommended and suggested at the preliminary plat stage, so they disagree with Gary Leikness' recommendation on #14 asking for additional road connections to adjacent property.

They are fine with #15 through #19 of the proposed conditions.

Regarding # 20 of the proposed conditions- the developers brought the idea of a 10 - acre City park/open space to the City, but that idea was considered and rejected by the City. #20 can be stricken from the list of proposed conditions.

Troy Karchner stated the proposal has over 15 acres of common area, which more than meets the requirements of the PUD. All their common areas are private, for the citizens of the Summerfield community.

The applicants are fine with proposed condition #22.

Dan Larsen stated that hardscape calculations (#23) have been submitted. They come out to be 9.4%; the ordinance allows up to 15%.

Regarding #23 – the applicants are willing to submit their detention pond plans again – none of the ponds will be over 3 feet deep. They plan a large open grass area surrounded by trees. There are slight depressions for run-off water.

Regarding #25, landscaping is addressed in the CC&Rs, stating that each yard must be landscaped.

Troy Kartchner said they are okay with numbers 26 through 31 of the proposed conditions.

**Thaine Robinson** asked the applicants to clarify any changes from the preliminary plat to this final plat phase.

Troy Kartchner stated that several of the lots were taken out for roads. Most common areas are in this first phase. The clubhouse will have a swimming pool. Changes include putting in a road to access the property, plus an additional access road that the City did not require. Everything else has basically remained the same. Mr. Kartchner pointed out the area on the projected map where the LDS Church will be located. He also pointed out the planned location of townhomes and first-time buyer homes. There are very few corner lots in this community; there will instead be landscape buffers (30-35 feet). The homeowners association will maintain these areas. They are excited to get going on the project. Every single sale, beginning with the first sale, will have a quarter point of funds go into the homeowners association.

Troy Kartchner also wanted to address proposed condition # 5: density bonuses in return for development. He feels that in return for the extra common areas, the increased landscaping, the monuments, and other amenities that are added, that the developer should get higher densities.

**Chairman Dyer** complimented the applicants on including the open space and the park areas in this first phase, as they are normally done in later phases. He stated the Commission recognizes their efforts to make this development attractive and usable. He asked Gary Leikness if a density bonus calculation had been done.

Gary Leikness said that the original application did not request to use any density bonuses. The applicants went strictly for the base PUD, for the number of calculated lots. The applicant opted out of density bonuses in the preliminary plat phase, which was a public hearing. They would have had to request what percentage they would want as a density bonus as part of the application.

Troy Kartchner said they did not need density bonuses at that time. They meet requirements to ask for density bonuses. He stated that they discussed density bonuses with staff.

Gary Leikness stated that density bonuses were not discussed.

**Richie Webb** arrived at 8:25 pm, but did not join the table of commissioners until after the Summerfield proposal was concluded (at 9:25 pm).

**Chairman Dyer** asked Gary Leikness to clarify proposed condition #5, which states that the applicant would need to reduce the number of proposed lots by 10 or provide an additional 1.75 acres of open space to meet density requirements.

Gary Leikness presented his staff analysis, first briefly explaining the definition of a Planned Unit Development (PUD) for the benefit of the new Commission members - this ordinance allows the applicant to deviate from the cookie cutter approach. It allows more flexibility for a mix of housing rather than 1 single type. He stated that the Summerfield PUD is a great example of the flexibility of the PUD ordinance. He supports a proposal like this one. However, as the administrator of the ordinance, he has to make sure all application information coming before the Commission and the Council has been reviewed by him, so he can give his findings and recommendations on how the proposal does or does not meet the ordinance. He also in this case had to review how the proposal meets or does not meet the conditions of approval from the preliminary plat hearing. Mr. Leikness addresses all planning staff concerns in the Planning staff report he has provided to the applicant and to the Commission. He feels the applicant was deficient in the designated amount of "common activity" area for this first phase. Phase 1, as proposed, is not quite the same as it was approved in the preliminary master plan/preliminary plat. They are leaving out some of the larger lots that were included in the preliminary plat.

Phase 1A does not include the construction of the park.

Troy Kartchner said the market will dictate how they proceed. He pointed out the first construction phase on the overhead screen map.

Gary Leikness stated that the proposal's original conditions were unresolved as to density and open space, and the final plat needed to resolve those problems, specifically for Phase 1. Each phase must stand on its own.

**Dan Hanna** asked about the acreage on the church lot and if that landscaping counts in the calculation.

Gary Leikness said the size of the lot was almost 5 acres. The church site and the roads are not part of the calculation.

Proposed conditions # 11 and #12 can be stricken from the list of proposed conditions.

Proposed condition #13 – safe routes to school with input from the school district and the Trails of Madison County, still needs to be addressed, possibly with submitted documentation.

Gary Leikness stated he has faithfully tried to address in his analysis these points:

what are the criteria, what are they asking for, and does their proposal meet that criteria?

The entire area of the project is zoned Low Density Residential 2 (LDR2).

**Chairman Dyer** stated the Commission appreciated Gary Leikness' efforts in addressing this Planned Unit Development.

Gary Leikness clarified on the overhead map the twin homes and also single family lots of varying sizes, including those indicated on the plat as 5,500 square feet and those up to 7,000 square feet.

Troy Kartchner stated he was concerned with several critical issues. Nowhere in the application does it say they have to request density bonuses. The application states the requirement is 1000 square feet of open space per unit. They have about 500 units. They have 11 and a half acres of open space; he pointed out open space, which will have plentiful landscaping. He pointed out where widened sidewalks will be; an eight or ten foot walking path will be placed all around the park area. Retention areas may be used as a park. In all, they have a little more than 15 acres of common area. Retention areas will be highly landscaped and will beautify the community. They will have 159 homes in this first phase, so they need 159,000 square feet of open space. They meet the requirements. He needs to have the 5 foot side yards, which #11 of the proposed conditions would eliminate.

**Chairman Dyer** clarified that Gary Leikness had stricken #11 from the proposed conditions.

Mr. Kartchner also stated they had addressed the road connections that were required. He stated that the Commission was given the proposed safety plan document tonight that they discussed with the school district. The applicant may pay all of the cost, but that has not been finalized yet.

The Commissioners discussed the proposed conditions of approval.

Condition #5 states the applicant needs to lose some lots or provide more open space. Each phase has to stand on its own for the required 8000 sq feet per lot in an LDR2 zone. Per Gary Leikness, the applicant did not request any density bonuses or density bonus calculations as part of the application; the applicant disagrees.

Dan Larsen addressed proposed condition #5 in regard to having enough open space for phase 1. He stated the PUD ordinance does not specifically say density bonuses must be requested. A possible solution that the City Engineer had suggested to them in their discussions with him, was that if the applicants did run short of open space, they could by warranty deed or other means secure an area adjacent to this project that the City would have title to, to maintain the proper open space, so this phase could stand alone, thus adding the specified 1.75 acres of open space needed. As they move forward with future phases, they can reclaim the land back as they meet density bonus calculations.

Gary Leikness stated he is all for moving this project forward and supports this type of development. However, certain provisions for the PUD need to be met. For Phase 1 as shown on this application, to calculate density, he looked at the entire area, took out the church lot and the roads, and divided by 8,000 square feet. The number he came up with shows the density requirement as not being met.

The Commission continued their discussion, focusing on the proposed conditions and clarifying those that could be stricken from the listed proposed conditions.

**Mary Ann Mounts** motioned to recommend approval to City Council of the Final Master Plan/Final Plat for Phase 1 of the Summerfield PUD, located near 12<sup>th</sup> West and 7<sup>th</sup> South, to include that an additional 1.75 acres of open space be added to meet density requirements, so that Phase 1 of the Summerfield PUD can stand alone. **Dan Hanna** seconded the motion. **Mary Ann Mounts** amended her motion to include the planning staff's proposed conditions of approval,

eliminating proposed conditions numbers seven, eleven, twelve, fourteen and twenty (7, 11,12,14, and 20), leaving a total of twenty-six (26) proposed conditions of approval. **Dan Hanna** seconded the amended motion.

None opposed. **Motion carried.**

***Proposed Conditions of Approval  
for Summerfield PUD –Final Master Plan/Final Plat for Phase 1***

***General***

1. *All conditions found in the approval of the Preliminary Master Plan/Preliminary Plat (see file number 08 00064) shall be in addition to the following conditions.*
2. *The final CC&Rs shall be reviewed and approved by the City Attorney prior the recordation of a plat.*
3. *Requirement of the underlying zoning prevails where no specific requested variation has been considered and granted in this PUD request.*
4. *A construction phasing plan needs to be submitted with the areas intended to be platted made clear as to intended timing of recordation.*
5. *Phase 1 as shown in application material does not appear to meet the underlying LDR2 density of 8000 square feet per lot. Based on the calculation formula of the PUD ordinance, the current proposal is at a density 7520 square feet per lot. The applicant is required to reduce the number of proposed lots by 10, or provide an additional 1.75 acres of open space.*
6. *The City's clear vision area of 30-feet shall be observed. These areas shall be clear of all permanent and temporary obstructions. Driveways shall not be included in the clear vision areas as parked vehicles constitute a temporary obstruction. Vegetation and fencing in these areas shall follow City standards. The following lots appear to have driveways that encroach in to the clear vision area: Lot 1B and 6A of Block 1, Lot 6A of Block 2, and Unit/Lot 10 of Block 8.*
7. ~~*STRIKE -The future road "stub-out" as required on the Preliminary Master Plan/ Preliminary Plan shall be provided as circled on the map on Exhibit B (generally where lot 24 of Block 3 is proposed).*~~
8. *Sternberg Lighting is proposed and approved for street lights and park lights. The fixture type submitted is the 1290 Homestead fixture. The fixture shall use the Nightsky Opti-Shield Louver Optic System, or the Nightky Star Shield Roof Optics option in order to ensure nightsky compliance. In addition, the House Side Shields shall be used where appropriate and shown on a lighting plan. A lighting plan that adheres to the lighting section of Ordinance 926 shall be submitted for review and approval by the City Engineer.*
9. *No garages or car ports shall be located within 20 feet of a front property line in order to ensure adequate space for off-street parking (15-feet is not deep enough for the City's parking standards) and to allow for a streetscape not dominated by garage doors, which is in harmony with planned unit development that seek a more traditional neighborhood ambiance. In addition, this reduced setback shall only be granted to allow for well defined porch areas, not just the fronts of buildings. This*

would apply to all types of residential uses. Other land uses such as churches, parking lots, etc shall maintain the setbacks as required under the LDR2 zone.

10. Irrigation system details for the open space elements shall be submitted for review and approval by the City Engineer prior to installation.
11. ~~**STRIKE** - All side yard setbacks shall follow those as defined in the LDR2 zone, rather than the 5-foot fixed setback as requested.~~
12. ~~**STRIKE** - All rear yard setbacks shall follow those as defined in the LDR2 zone, rather than the 15-foot fixed setback as requested.~~
13. The developer shall explore safe routes to school, specifically the new elementary school and the new high school. Proposed improvements should receive support by the Madison School District, the City's Traffic Safety Committee, and the City Engineer, prior to submitting for final plat approval for any phase. The proposed improvement should include improvement details, costs of improvements, agreements between parties for funding, and a timeline for installation of improvements. Bonding for improvements may be required as part of the development agreement the developer will make with the City of Rexburg, as determined by the City Engineer.
14. ~~**STRIKE** - In order for the City to maintain an efficient transportation network in and around the proposed PUD, the applicant shall provide additional road connections to adjacent property and roads consistent with Figure I of this staff report, or as modified by the City Engineer.~~

#### **Performance Standards**

15. Utilities- All new utilities must be placed underground.
16. Water Conservation- The final master plan for each phase shall show, in sufficient detail, how the proposal will incorporate low volume irrigation systems throughout the landscaped areas of the development.
17. Individual lot owners shall be required to incorporate low volume irrigation systems throughout their landscaped areas; this requirement shall be stated in the CC&Rs under Section 4.13.
18. Future trash receptacles intended for trash service pick-up and that are placed in the common areas such as proposed parks must be screened in a manner that is similar in material and character of the neighborhood. This shall be incorporated in the final CC&Rs.
19. Glare Reduction- The proposal must adhere to the City's lighting standards , details shall be provided with the final master plan/final plat for each phase.

#### **Common Open Space**

20. ~~**STRIKE** - Required Common Open Space - The applicant shall consider not only proposing an open space/park at 10 acres in size, but shall also work with the City in determining if this area should be a City park.~~
21. Hardscape- In order to determine hardscape percentages final details shall be submitted to the City Planning and Zoning and shall include all hard surfaces, etc. including perimeter sidewalks.
22. Common Activity Areas- areas need to be provided at a ratio of 1000 square feet per single family lot, which amounts to 11.5 acres of common activity area for the entire PUD. These areas need to include playground equipment or pathways with

benches and tables through natural or landscaped areas. For this phase of the PUD, a minimum of 3.65 acres is required of Common Activity Area. This is met through the proposed park. Smaller elements of open space are included, but mainly function as detention areas for storm water. The park will not be constructed in Phase in the first construction phase. The proposed smaller open space elements do not count towards satisfying the common activity area requirement, as they are required for detention or stormwater, not for human activity. Furthermore, these smaller open space areas are not consolidated nor do they create a interconnected system of trails. This Common Activity Area requirement is intended to promote areas of useable recreation and common activity areas where trails, playground equipment, and other amenities are found throughout.

23. **Detailed Landscape Plan-** The following shall be adhered to:

- i. **Timing of landscape installation-** Each block, before the final certificate of occupancy can be obtained for the fifth home or unit that block, shall have the landscaping for all open space areas on the block completed. If the planting season prohibits this, then only temporary certificates of occupancy shall be issued and June 1<sup>st</sup> of the following year shall be the deadline for completion of the required open space landscaping. In this case, landscaping shall include installation of trails and amenities as well as all proposed planting materials.
  - a. Sidewalks for open space areas shall be completed as each home is completed. That is, for a corner lot home, the sidewalk shall continue around as it would for a traditional corner lot home. This shall be required prior to issuance of a certificate of occupancy by the.
- ii. **Detention ponds.** The detention pond block 9 shall be addressed in more detail at the time a building permit application is submitted for the initial structure to be placed on Block 9. At that time, a full landscape plan should be submitted showing how the space will be adequately landscaped and how it will be an integral part of the proposed townhomes and neighborhood.

24. **Feasibility of Landscaping.** Sidewalks meandering through detention pond areas shall be reconsidered and must be approved by the City Engineer, as these detention areas create low spots for ponding and will create areas of ice during the winter months inhibiting the proper use of the sidewalks for a major portion of the

25. **Landscaping Per Unit-** The final CC&Rs shall have the PUD ordinance requirement written into the CC&Rs.

#### **Master Plan Approval Time Limitations**

26. The Preliminary Master Plan/Preliminary Plat was approved by the City Council on September 3<sup>rd</sup>, 2008. This application for final master plan/final plat for Phase 1 is timely and satisfies this criterion. However, the applicant is proposing that Phase 1 be recorded in different phases. The time limit found in the City's Platting procedures continue to be applied, but for the constructions phases of Phase 1. Therefore, if the applicant only records a construction phase (a subset of Phase 1) then after recordation, the next construction phase recordation shall occur within 24 months. If

*no application is made within the 24 months, then the remainder of the construction phases shall expire as to their final master plan/final plat status. For purposes of administering this condition, the City shall recognize the construction phases to mean "phase."*

*In addition, should the remaining "phases" not be platted, the remaining parcel shall reserve all the required open space and density in order to satisfy the intent and approval of the Preliminary Master Plan/Preliminary Plat, regardless of property ownership*

- 27. Each additional phase (or remainder of unplatted portions of the proposed preliminary master plan/preliminary plat) shall expire within two (2) years of the approval of a previous phase in the order as shown on the proposed preliminary master plan, unless a final master plan/final plat is reviewed and approved by the City within that time. This shall include the construction phases for purposes of administering these conditions. The next construction phase shall therefore be required to follow the above procedure except that only staff review will be required within the allotted time limits. This will require the complete application for a final master plan/final plat or the next construction phase plat to be submitted to the City within 1.5 years of the previous approval.*
- 28. An extension of up to one year per phase, including construction phases for platting, may be requested by the applicant. A request for extension must be reviewed and approved by the Planning and Zoning Commission prior to any expiration date. In addition, once a final plat or construction phase therein has been approved by the City, it must be recorded with the County within 6 months or it becomes null and void.*
- 29. Block 3 needs to start at "lot 1" rather than continuing from block 2*
- 30. All references on final plat to be recorded and CC&R's shall refer to "Planned Unit Development" (PUD) rather than the "Planned Residential Development" (PRD) as show on proposal.*
- 31. Normally for corner lots it is enforced that the street sides are considered "front yards" and have the setback found in the zone which the lot is located. As this PUD has large open space elements located in these areas, those corner lots shall be considered to have side yards if the open space buffers the yard from the adjacent street to a minimum distance of twenty (20) feet in distance.*

**Compliance:** None

**Non controversial Items Added to the Agenda:**

1. PEZ (Pedestrian Emphasis Zone) parking discussion

Gary Leikness lead the discussion and provided a new draft. There were a few issues to resolve before sending the ordinance to City Council for public hearing. Gary Leikness recommended a threshold to activate the ordinance, of a 20- unit building minimum for developers. He recommends a conditional use permit be necessary for anything under that figure.

Parking for bicycles will not be in the required front yard setbacks. Mo-ped parking would be provided in the same areas as bicycle parking. Mo-peds were an item of interest expressed by the Commission at the previous meeting.

The current draft includes all of the changes that the Commission made at the previous Planning and Zoning meetings.

Richard Smith, representing BYU-Idaho, felt all items they discussed were addressed satisfactorily, with the exception of a threshold for building. The University recommends the threshold be 10 - units, but could look at it in aggregate. Mr. Smith stated that the University has adopted a policy of no future approvals of single student housing in converted single family homes anywhere in Rexburg.

He went over the document which provided bicycle numbers information and stated the numbers may not be accurate and might need to be doubled.; a count when there is still snow on the ground is not a very accurate count. During the summer a further study will be conducted. Mr. Smith hopes to have a comprehensive study of student cars, how many there are and how many do not get used. Preliminary studies show that about 61% of the student body comes with automobiles. He will try to get detailed information to the Commission. He added that, in regard to a threshold figure, units could be added to an existing building that would complement the development but amount to less than 20 units.

The Commissioners discussed the draft proposal.

Gary Leikness would support a 10 unit building as a right. Anything below that number of units could require a Conditional Use Permit (CUP).

A smaller property owner would thus be encouraged to go with the larger developer so the area can be properly developed. Having a threshold aids in property acquisition for developers.

Richard Smith said the University is agreeable to a 10 unit building as a right in an appropriate zone. He added that University research measures gross square footage per student in the sleeping area only

Threshold language for the ordinance was discussed after the Development Code Cleanup was sent by motion to City Council for public hearing and adoption (see below on page 16). Suggested threshold language would be:

*The reduced parking ratios as permitted herein shall only apply to newly constructed apartment style structures of ten (10) units or more. However, dwellings under 10 units may apply for a conditional use permit (CUP) in order to qualify for reduced parking. This ordinance shall not apply to any structure originally constructed as a single-family or duplex residential structure. All underlying zoning standards regarding density and other regulations shall be followed.*

**Mary Ann Mounts** left the meeting at 10:30 pm.

**Dan Hanna** motioned to recommend the draft Pedestrian Emphasis Zone (PEZ) ordinance to City Council, for adoption, as part of the Development Code 926.Clean-up. **Thaine Robinson** seconded the motion.

The Commissioners discussed the motion.

None opposed. **Motion Carried.**

2. Development Code 926 Clean-up

Gary Leikness stated that the Commissioners were given a *13 page spread sheet* that shows all the changes/clean-ups that are proposed for Development Code 926. Items highlighted in blue have been added or modified since the last discussion of this ordinance clean-up. The Commission was also given a document entitled *Draft 3-18-2009*, a new section for the ordinance that addresses the Architectural Design Standards Review Process. It addresses how things are presently being done with a Design Review Committee made up of members of the P&Z Commission, making it clearer who an applicant can appeal to. The P&Z Commission can also appoint architects and other outside experts to help. This document represents a good strong effort to clean up the process.

Gary Leikness recommended that the Commission should make a recommendation tonight to the City Council to hold a public hearing at their April 15, 2009 meeting, which would still give the Commission a chance to modify their recommendation at the P&Z meeting on April 2<sup>nd</sup>.

Johnny Watson, 1152 Bond Ave, JRW & Associates, really appreciates the time that staff and the Commission has put into these revisions for Development Code ordinance 926. He stated that the City of Rexburg is by far the most cumbersome city in which to secure a building permit over any other city where his company has done projects. The P&Z Commission has gone from being a land use body to one that is helping in site and building design. He understands the need for a design ordinance but asks them to think about the population and other dynamics of this community. Development Code 926 is becoming so prescriptive. Mr. Watson sees it as penalizing the smaller businesses in the community. The City should take this into consideration. The very specific verbiage totally detracts from its purpose. Please allow the designer a choice of expression. The burden needs to be put back on the designer. Rexburg tries to use residential architecture in commercial settings. The process has become so cumbersome that it is difficult to get a building permit. Development Code 926 subjective items were what slowed the process for him. He also said they were not invited to the design review for Burton Elementary School.

**Chairman Dyer** asked that Johnny Watson submit specifics for the Commission to consider.

Johnny Watson will provide a design standards brochure from the City of Nampa as an example of another city's design standards requirements; it will be copied and given to the Commissioners in their next P&Z packets, as additional information to consider.

Val Christensen read from a list of items that City Council specifically wanted addressed in the Development Code 926 revisions. City Council wanted design standards language to be very clear; they wanted design standards review to be done by staff whenever possible, to speed up the process. Prescriptive language should be used. Building heights were addressed in the revisions. Use of brick was a concern of the City Council. Material color was also an item they wanted to be addressed. The City Council requested that stucco be put back on the list of building materials that could be used.

Light standards are being revised to allow more than high pressure sodium lamps. Medical clinic parking requirements are being lowered to 4 instead of 5 stalls per thousand. Staff has tried to address all concerns.

The Commission discussed the Development Code revisions, including subjective or prescriptive design standards.

Val Christensen stated the City would like commercial roofs done with some design elements, not just a straight roof

Gary Leikness said the Community Business Center zone has a 45- foot height limit, but a Conditional Use Permit would allow a 65- foot height limit.

**Richie Webb** expressed that there has to be a way to craft this ordinance so that people can understand it and get a vision of what the City wants and act on it in a reasonable manner.

**Chairman Dyer** said that is exactly how this ordinance was crafted, so that people did not have to go to several ordinances to get their questions answered. That is part of the reason there are so many pages in this ordinance.

Discussion continued.

**Dan Hanna** motioned to move the Development Code 926 Clean-Up ( on *13- page spreadsheet* document, and on *Draft 3-18-09* document) forward to City Council for (April 15, 2009) public hearing for adoption of these revisions. **Randall Porter** seconded the motion.

**Dan Hanna** amended the motion to include that further input for the Development Code 926 Cleanup can be taken at the next P&Z meeting (April 2, 2009). **Randall Porter** seconded the amended motion.

None opposed. **Motion carried.**

**Non-Controversial Items** to be carried over and addressed at the next P&Z meeting on April 2, 2009, will include:

3. Mixed Use zones discussion
4. Sign Ordinance – Temporary Signs and Banners.

**Report on Projects:** None

**Tabled Requests:**

1. Final Plat – Trehusen Subdivision

**Chairman Dyer** requested that a letter be sent to the developer of this plat regarding its intentions to move forward.

**Building Permit Application Report:** None

**Heads Up:**

The meeting was adjourned at 11:22 pm.